

March 3, 2014

To: Energy and Technology Committee

From: Henry M. Miga Chairman  
Codes and Standards Committee

Re: SB 357 and SB 352

SB 357 is proposing to allow each municipality to adopt more stringent regulations than the State requires. There are several issues that would suggest that this is not appropriate. Existing statute requires that the State building Official interprets the codes and not the local officials and the codes and Standards Committee hears appeals to decisions. Having several towns require differing requirements has been seen as cumbersome at least and has not been encouraged nor desired by the Codes and Standards Committee, the State building Official or the industry at large that we have heard from.

Requiring rather than allowing for another rating system or systems in addition to the Building Code requirements adds layers, cost and complexity. Those systems are already allowed to be used when they are shown to meet or exceed the requirements of the code in place. Putting performance standards in Statute has not been shown to be functional and practical in the long run.

With all due respect and with the understanding that we are all aiming at the same target of a built environment that is actually built to use less energy, involving two Commissioners and the Institute for Sustainable Energy is neither efficient nor would be effective. Placing regulations in regulation and not in Statute has been shown to be effective and efficient in comparison. I am sure that you will hear from several other sources who agree with that perspective.

SB352

We would oppose this bill. There is nothing in the present Statutes that would prevent the Codes and Standard Committee and the State Building Official or Fire Marshal from amending the State Codes on an annual or periodic schedule. We have discussed this as a possible course of action following the adoption of the entire family of 2012 ICC codes we are toward the end of evaluating. The reality is that even if we were able to receive proposals, hear those proposals and evaluate the entire volumes of codes and reference standards in one day, it has taken more time in the past code adoption processes to go through the legislative process than this proposed law would require. This does not mean that we should not or could not in the existing regulatory process keep pace with new standards in a systematic and practical manner by periodically amending the regulations in a way that leads us to a shared goal of environmental responsibility. Help us by bringing practical and technically correct proposals that can be applied in a responsible manner.